



California Fair Political Practices Commission

July 3, 1986

Furman B. Roberts
City Attorney
City of Orange
300 East Chapman Avenue
Orange, CA 92666

Re: Your Request for Advice
Our File No. A-86-161

Dear Mr. Roberts:

Thank you for your letter requesting advice on behalf of Jess Perez, member of the Orange City Council and the Orange Redevelopment Agency, concerning his duties under the conflict of interest provisions of the Political Reform Act (the "Act").^{1/} This letter confirms the telephone advice I previously provided to Mr. Mark Huebsch, a redevelopment attorney retained by the City of Orange.

QUESTION

May Councilmember Perez participate in a decision to amend the redevelopment plan for the Orange Redevelopment Agency when he has received income in excess of \$250 from businesses which own a commercial complex located in the existing project area? The proposed amendment to the redevelopment plan would add approximately 457 acres to the existing 308-acre project area. The territory proposed to be added is adjacent to the existing project area, but is separated from it by a freeway, river, and railroad tracks, and is at least 1,000 feet away from the commercial complex in question.

CONCLUSION

Under the facts presented, Councilmember Perez may participate in the decision to amend the redevelopment plan.

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated.

ANALYSIS

The Orange Redevelopment Agency has established a redevelopment plan for an area known as the Southwest Redevelopment Project Area. This project area is located to the west of the Santa Ana Freeway in the City of Orange, and currently consists of approximately 308 acres.

The proposed amendment to the Redevelopment Agency's redevelopment plan would add approximately 457 acres to the existing project area. This territory is located to the east of the Santa Ana Freeway. It consists primarily of a commercial area along Chapman Boulevard, a major commercial thoroughfare connecting the existing project area with the civic center area of the City of Orange. The territory proposed to be added is adjacent to the existing project area, although the Santa Ana Freeway, the Santa Ana River, and the railroad tracks form a sort of barrier between the existing project area and the proposed addition.

Within the existing project area is a three hundred million dollar, 151-acre, commercial complex known as "The City." Metropolitan Life Insurance Company ("Metropolitan") owns outright or the majority interest in all land and building improvements in The City. Tishman West Management Corporation ("Tishman") is managing agent and minority partner in several of the office building ventures at The City. Building improvements in The City consist of eight office buildings comprising approximately 2 million square feet and retail/commercial buildings totaling approximately 700,000 square feet. The territory proposed to be added to the redevelopment project area is at least 1,000 feet away from The City.

The redevelopment plan adopted by the Orange Redevelopment Agency includes provisions for eminent domain, design review, tax increment financing, redesigning and expansion of certain streets, and public improvements, such as parking structures, in currently unspecified locations. The proposed amendment would, in addition to more than doubling the size of the redevelopment project area, increase the limits for tax increment financing and bonded indebtedness, add proposed public improvements in the new territory proposed to be added, and designate land uses for that area. The proposed amendment would not further delineate any specific projects in the existing project area, nor would it provide for either the allocation of additional tax revenues or the increased use of tax increment financing for specific improvements in the existing project area.

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Councilmember Perez is sole owner of an architectural firm, Jess Perez and Associates. His investment interest in this firm is worth more than \$1,000. His firm has, in the past 12 months, received payments of more than \$250 for providing architectural services in connection with the design of certain facilities located in The City, the commercial complex mentioned above, which is owned by Metropolitan and managed by Tishman. You have stated that Jess Perez and Associates does not currently have any plans to contract for work in the existing redevelopment project area or in the territory proposed to be added to the project area, although this is not to be construed as an intention of Jess Perez and Associates to be restrained from seeking future business in those areas.

Section 87100 prohibits any public official from making, participating in, or using his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. A public official has a financial interest in a decision if the decision would have a reasonably foreseeable material financial effect, distinguishable from the effect on the public generally, on, among other interests:

(a) Any business entity in which the public official has a direct or indirect investment worth one thousand dollars (\$1,000) or more.

* * *

(c) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the public official within 12 months prior to the time when the decision is made.

Section 87103(a) and (c).

Due to his ownership of Jess Perez and Associates, Councilmember Perez has a potentially disqualifying financial interest under Section 87103(a). In addition, Councilmember Perez receives income of \$250 or more from his architectural firm, and, because he is the sole owner of the architectural firm, the firm's clients whose gross receipts total \$250 or more in the last 12 months are considered sources of income of \$250 or more to Councilmember Perez (Section 82030(a)). Therefore, Councilmember Perez also has potentially disqualifying sources of income under Section 87103(c).

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We must now consider whether the decision to amend the redevelopment plan could have a reasonably foreseeable material financial effect on Councilmember Perez' architectural firm or on the clients of that firm. The Commission has adopted regulations 2 Cal. Adm. Code Sections 18702, 18702.1, and 18702.2 (copies enclosed), which provide guidance for determining whether the effect of a decision will be considered material under Section 87103. However, under the specific facts presented, we conclude that the decision to amend the redevelopment plan will not have any foreseeable effect on Councilmember Perez' architectural firm or on the clients of his firm.

In the Thorner Opinion, 1 FPPC Opinions 198 (No. 75-089, Dec. 4, 1975), the Commission discussed the meaning of "foreseeability" for purposes of determining whether disqualification is required under Section 87103. The Commission indicated that although the effect of a decision need not be certain to be reasonably foreseeable, there must be a "substantial likelihood" that the effect will occur, rather than a "mere possibility" that it will happen. Under the facts you have presented, Jess Perez and Associates does not have any plans to contract for work in the existing redevelopment project area or in the area proposed to be added. Accordingly, we foresee no financial effect on Jess Perez and Associates as a result of the decision to amend the redevelopment plan. Of course, if Councilmember Perez does bid on a contract for work which occurs as a result of the redevelopment plan, he may be required to disqualify himself from participating in future redevelopment decisions.

As to any effect of the proposed amendment on Metropolitan or Tishman, the clients of Jess Perez and Associates, we have examined the proposed amendments with regard to whether there is a substantial likelihood that they would significantly increase or decrease the property values of The City. Due to the 1,000-foot or greater distance between The City and the nearest boundary of the territory proposed to be added to the project area, and the fact that the Santa Ana Freeway, the Santa Ana River, and the railroad tracks all form a sort of barrier between the additional territory and The City, we conclude that there is no reasonably foreseeable effect on the fair market value of the real property in The City. Our conclusion is also based on the fact that the proposed amendment does not provide for specific projects in or near The City, or for the use of additional tax increment financing or tax revenues for projects in or near The City. You have informed us that, at this time, neither Metropolitan nor Tishman owns any real property in the territory proposed to be

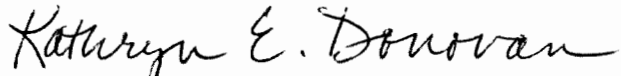
Furman B. Roberts
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added to the project area, and that neither of those entities currently has plans to acquire and develop any property in that territory. Accordingly, we conclude that Councilmember Perez may participate in the decision to amend the redevelopment plan.

We caution, however, that future decisions concerning specific projects in the redevelopment area, the allocation of tax revenues, or the use of tax increment financing for specific projects may require Councilmember Perez' disqualification.^{2/} For example, if a decision to construct a parking structure within or near the boundaries of The City were before the Orange Redevelopment Agency or the City Council, Councilmember Perez could be required to refrain from participating in that decision. Similarly, Councilmember Perez may be required to disqualify himself from decisions to allocate tax revenues or approve the use of tax-increment financing for specific projects in or near The City. Of course, whether disqualification is required depends on the particular facts of each situation.

If you have any further questions regarding this matter, please contact me at (916) 322-5901.

Very truly yours,


Kathryn E. Donovan
Counsel
Legal Division

KED:plh
Enclosures

^{2/} According to the information you have provided, no such decisions are currently pending in the proposed amendment.



A-86-161

cit

or:

city attorney
(714) 532-0351

*See extra file (file
Cabinet) for incoming
Attachments*

Ms. Kathryn E.
California Fair
428 "J" Street
Post Office Box
Sacramento, California 95804-0807

Re: Request for Advice - File No. A-86-024

Dear Ms. Donovan

Forgive my delay in replying to your letter of January 15, 1986. However, it has been necessary to gather certain data from the Tishman West Management Corp. and also to obtain the answers to the questions you posed from Councilman Jess F. Perez as well as obtain Councilman Perez's signature authorizing me as City Attorney to seek advice from the California Fair Political Practices Commission on his behalf.

Although these tasks have consumed some time, I enclose herein the following documents:

1. Signed authorization by Councilman Perez dated February 1, 1986.
2. Copy of a map showing the Redevelopment Project Area and the area proposed to be added to the Redevelopment Project Area together with a copy of a letter of March 31, 1986, from Mr. G. Allan Daum, Vice President and General Manager of Tishman West Management Corp.
3. Copy of the Redevelopment Plan as supplied to me by the Director of Economic Development of the City of Orange. As of the date of this letter, the Planning Commission by its Resolution No. PC 34-86 has rendered its report on the proposed Amendment No. 1 to the Redevelopment Plan, finding the same consistent with the General Plan and recommending approval of said Amendment. A copy of Resolution PC 34-86 is enclosed herein.

4. Concerning the questions you posed respecting Metropolitan Life Insurance Company and its interests, it is our hope that the letter of March 31, 1986, from Mr. Daum will answer these inquiries which you posed in your letter of January 15, 1986.

5. Concerning your questions respecting Jess F. Perez and Associates, please be advised that I have been supplied with the following answers from Mr. Perez:

(a) Yes, Mr. Perez is the sole proprietor of Jess Perez and Associates.

(b) No, Jess Perez and Associates is not qualified for public sale in this State pursuant to Corporations Code Section 25110.

(c) No, Jess Perez and Associates does not have any current plans to contract for work in the Redevelopment Project Area or in the area proposed to be added to the Redevelopment Project Area. However, this negative answer is not to be construed as representing an intention of Jess F. Perez and Associates to be restrained from seeking future business although that business may not be foreseeable at this time.

As you know, it has consumed some time to obtain this information. Therefore, Mr. Mark Huebsch a Redevelopment Attorney retained on behalf of the City of Orange has heretofore contacted you and indicated that I probably could not provide this information by the requested deadline of February 14, 1986.

In any event, I hope this information will be satisfactory and that you will be able to analyze any conflict of interest questions with respect to Councilman Jess F. Perez and his voting qualifications.

If you have any further questions, please feel free to contact me at my office or Mr. Mark Huebsch at 660 Newport Center Drive, Suite 1600, Newport Beach, California 92660, (714) 640-7035.

Very truly yours,



Furman B. Roberts
City Attorney

FBR:ajr
Enclosures
cc: Councilman Jess F. Perez

Mr. Furman A. Roberts
City Attorney
CITY OF ORANGE
300 East Chapman Avenue
Orange, CA 92666



March 31, 1986

Dear Mr. Roberts:

Pursuant to the January 15, 1986 California Fair Political Practices Commission letter regarding Councilman Perez, please be advised of the following as it pertains to 'The City' and holdings of Metropolitan Life Insurance Company and Tishman West Management Corp.

Metropolitan's holdings in the Southwest Redevelopment Project area, currently and under construction, consist of approximately 151 acres of land and approximately 2.7 million square feet of office and commercial improvements, owned either in fee or majority interest. Investment grade properties of this type are typically selling today at a value range of \$100-\$200 per square foot. Tishman West, as Managing Agent, is a minority partner in approximately 1.5 million square feet of subject office building improvements and attributable fee or leased land, with an attributable market value range per above. (See attached site plan and improvements exhibit).

Neither Metropolitan nor Tishman West own any interest in real estate situated in the area proposed to be added by amendment to the Southwest Redevelopment Project pursuant to Resolution No. PC65-85 of the Planning Commission of the City of Orange.

Building improvements consist of eight (8) office buildings comprising a total of approximately 2.0 million gross square feet and retail/commercial buildings totaling approximately 700,000 gross square feet.

Future development of Metropolitan holdings may involve additional office building and commercial improvements in which Tishman West may or may not hold an ownership interest.

(Continued)

Mr. Furman A. Roberts
City Attorney
CITY OF ORANGE
March 31, 1986
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We hope the foregoing information will assist you in responding to the Fair Political Practices Commission pursuant to governmental decisions of Councilman Perez with regard to 'The City' and Southwest Redevelopment Project.

Sincerely,

TISHMAN WEST MANAGEMENT CORP.,
AS AGENT FOR 'THE CITY'

A handwritten signature in cursive script, appearing to read "Allan Daum".

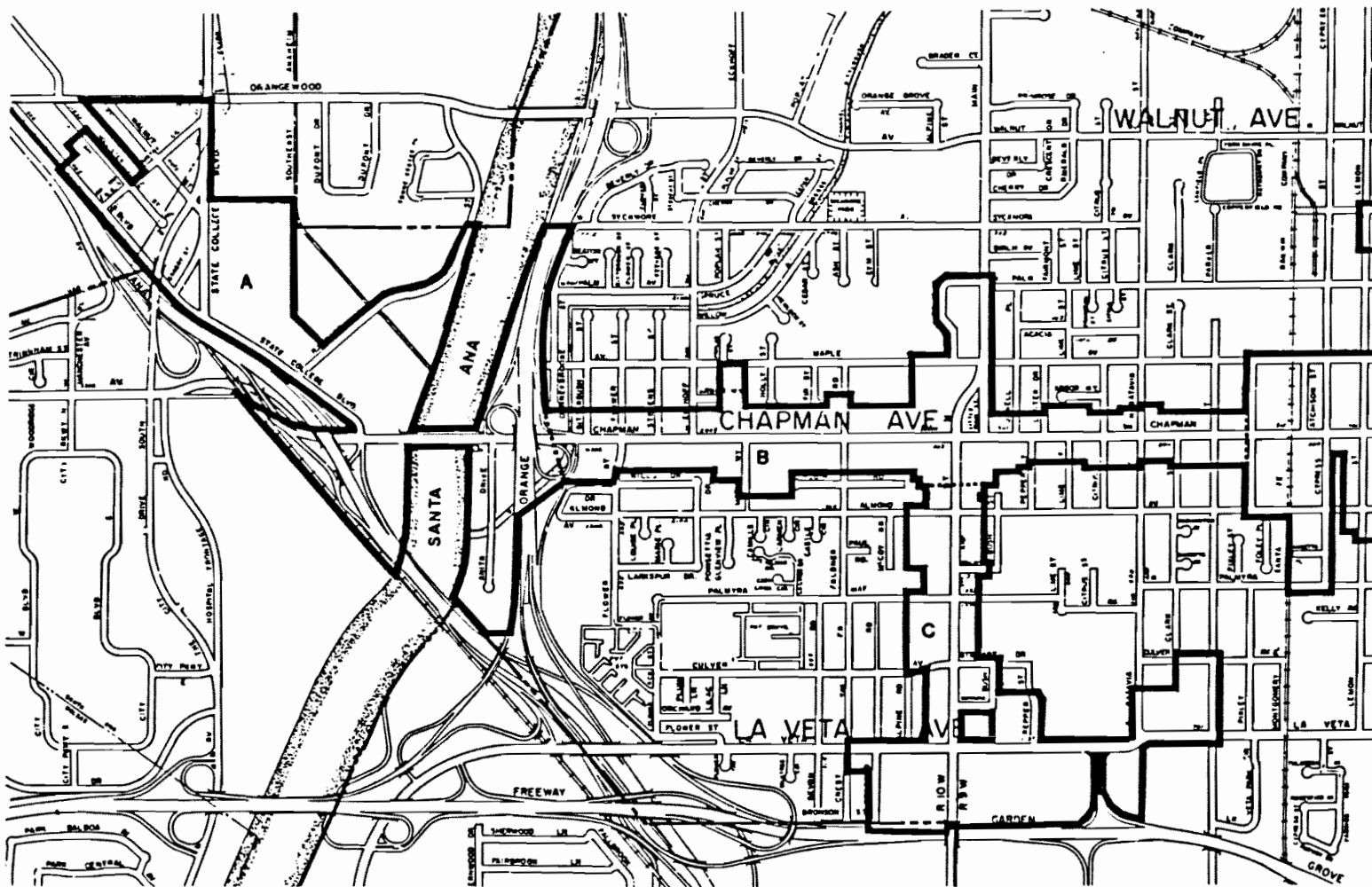
G. ALLAN DAUM
Vice President & General Manager

GAD:mh
Attachment

cc: Stephen Beaulieu, Metropolitan Life Insurance

ORANGE REDEVELOPMENT AGENCY

AMENDMENT NO. 1 TO THE SOUTHWEST REDEVELOPMENT PROJECT



Scale:
0 500 1000 2000



AUTHORIZATION TO SEEK ADVISE OF
FAIR POLITICAL PRACTICES COMMISSION

I, Jess F. Perez, Councilman of the City of Orange, California, do hereby authorize Furman B. Roberts, as City Attorney of the City of Orange, to seek advice from the California Fair Political Practices Commission on my behalf in order to properly determine my ability to vote pursuant to the laws of the State of California concerning matters arising in the Redevelopment Project Area or the area to be added to the Redevelopment Project Area described in Fair Political Practices File No. A-86-204. I further certify that my home mailing address is 1910 East Lomita, Orange, California 92667.

Dated:

FEB 1, 1986



Jess F. Perez
Councilman
City of Orange

PLANNING COMMISSION RESOLUTION NO. 34-86

RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF ORANGE FINDING THAT THE PROPOSED
REDEVELOPMENT PLAN AMENDMENT NO. ONE TO THE
SOUTHWEST REDEVELOPMENT PLAN CONFORMS TO THE
GENERAL PLAN FOR THE CITY OF ORANGE AND
RECOMMENDING APPROVAL OF THE PROPOSED
REDEVELOPMENT PLAN AMENDMENT

WHEREAS, the Orange Redevelopment Agency (the "Agency") and the City Council of the City of Orange (the "City") completed proceedings to establish the Southwest Redevelopment Project pursuant to Ordinance No. 37-84 and thereby established a "Redevelopment Plan" and a "Project Area"; and

WHEREAS, on March 11, 1986, the Agency adopted a Resolution accepting a proposed Redevelopment Plan Amendment No. One to the Southwest Redevelopment Project (the "Amendment") and authorized transmittal of the proposed Amendment and Draft Environmental Impact Report to the Planning Commission; and

WHEREAS, by Resolution No. PC 65-85 on Oct. 21, 1985, the Planning Commission formulated and adopted the Preliminary Plan and the boundaries for that certain area proposed to be added to the Southwest Redevelopment Project Area pursuant to the proposed Amendment (the "Added Area"); and

WHEREAS, the proposed Amendment authorizes the Agency to acquire land for, and install or construct (or cause the installation or construction of), certain designated public improvements and public utilities either within or without the Project Area and the Added Area, subject to the limitations contained in said Redevelopment Plan as proposed to be amended (the "Amended Redevelopment Plan"); and

WHEREAS, Section 33346 of the Community Redevelopment Law (Health & Safety Code Section 33000 et seq.) provides that the Planning Commission is to review the proposed Amended Redevelopment Plan and make its report and recommendation thereon to the Agency and the City Council, including a determination that the Amended Redevelopment Plan conforms to the General Plan of the City of Orange; and

WHEREAS, Section 65402 of the Government Code provides in part:

- (a) If a general plan or part thereof has been adopted no real property shall be acquired by dedication or otherwise for street, square, park, or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof . . .
- (b) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof . . .;

and

WHEREAS, the above-required reports and recommendations, including matters referred to in Section 33346 of the Health & Safety Code and Section 65402 of the Government Code, are to be made to the Agency and the City Council for their consideration in acting on the adoption of the Amended Redevelopment Plan; and

WHEREAS, the type of proposed land uses contained in Section 500 et seq. and related attachments of the Redevelopment Plan Amendment are the same as those contained in the official land use map of the General Plan of the City of Orange; and

WHEREAS, the development standards for the proposed uses in the Project Area are the same as the development standards contained in Zoning of the Orange Municipal Code; and

WHEREAS, the proposed public street system in the Project Area is the same as the street system contained in the Circulation Element of the General Plan; and

WHEREAS, the Planning Commission has considered the proposed Amended Redevelopment Plan, including without limitation the acquisition and disposition of property, the reports prepared in connection therewith, the General Plan of the City and other pertinent reports.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF ORANGE DOES RESOLVE AS FOLLOWS:

Section 1. Findings. The Planning Commission hereby finds and determines that:

(a) Pursuant to Section 33346 of the Community Redevelopment Law, the proposed Amended Redevelopment Plan for Amendment No. One to the Southwest Redevelopment Project conforms to the General Plan of the city of Orange.

(b) Pursuant to Section 65402 of the Government Code, with respect to activities which may be undertaken within the Project Area and the Added Area pursuant to the Amended Redevelopment Plan, and that are referred to in said section, such activities and undertakings conform to the General Plan of the City of Orange.

Section 2. Reports and Recommendations. The Planning Commission hereby reports to the Orange Redevelopment Agency and the City Council of the City of Orange the findings referred to in Section 1 hereof, and recommends the approval and adoption of said Amended Redevelopment Plan in its present form.

Section 3. Transmittal. The Planning Director shall transmit a certified copy of this resolution including Exhibit "A" hereto, which is incorporated herein by reference, to the Orange Redevelopment Agency and the City Council of the City of Orange for consideration as part of the Agency's Report to the City Council pursuant to Section 33352 of the Community Redevelopment Law, and this resolution shall be deemed the report and recommendations of the Planning Commission concerning the proposed Amended Redevelopment Plan and contemplated public projects and activities thereunder as required by applicable provisions of law.

I HEREBY CERTIFY that the foregoing resolution was adopted April 7, 1986 by the Planning Commission of the City of Orange by the following vote:

AYES: Commissioners, Greek, Hart, Mason, Master and Scott
NOES: Commissioners None
ABSENT: Commissioners None

Stan Soo-Hoo, Administrator
Current Planning & Secretary
to the Planning Commission of
the City of Orange

REDEVELOPMENT PLAN
FOR THE
SOUTHWEST REDEVELOPMENT PROJECT

Prepared by the
ORANGE REDEVELOPMENT AGENCY

city of orange



incorporated 1888

orange civic center • 300 east chapman avenue • orange, california 92666
post office box 449

city attorney
(714) 532 0351

December 27, 1985

Mr. John Keplinger, Executive Director
Fair Political Practices Commission
Legal Division
1100 "K" Street
Post Office Box 807
Sacramento, California 95804

Dear Mr. Keplinger:

This request is being submitted to you in my role as general counsel to the Orange Redevelopment Agency, hereafter "Agency." The City Council members of the City of Orange, hereafter "City Council" and the "City," respectively, serve as members of the governing body of the Agency.

The Agency and the City Council are conducting proceedings for the amendment of a redevelopment project area. The project area being amended, hereafter "Project Area," was established by ordinance of the Orange City Council in November 1984, and includes approximately 308 acres. The Project Area includes substantial governmental activities; it is the site of the County UCI (University of California at Irvine) Medical Center, a juvenile correctional facility, a jail, the largest animal shelter in Orange County, the main administrative office of the library of the County of Orange, and various other governmental offices. Tishman West Management Corp., hereafter "Tishman," is Managing Agent and partner in several of the office building ventures at "The City" (a commercial complex within the Project Area) with Metropolitan Life Insurance Company, which owns outright or the majority interest in all land and building improvements in that multi-million dollar complex. Metropolitan Life Insurance Company's 1984 Annual Financial Report indicates Assets in the amount of \$67,354,000,000, Liability in the amount of \$64,773,000,000 and Gross Revenues of \$13,037,000,000.

In its operating capacity as Agent for "The City," a Partnership, Tishman executes all authorized contractual agreements on behalf of the ownership and is responsible for the administration of such matters. With regard to specific contractual arrangement with outside consultants such as Jess Perez and Associates, those same provisions have always and currently apply, with no direct benefit or liability inuring to Tishman.

Pursuant to the Redevelopment Plan for the Project Area, renovation and expansion of commercial facilities is encouraged. The Plan included provisions for eminent domain, design review, tax increment financing, redesign and expansion of streets, and the provisions of public improvements, including parking structures at presently-unspecified locations; parking structures would assist in alleviating a Project Area-wide need for parking. Such need results from the conduct of governmental uses in the Project Area as well as private activities.

As noted above, the Agency and the City Council are presently processing an amendment, hereafter "Amendment," to the Project Area. The proposed Amendment would (i) add territory (principally commercially zoned or used property generally situated along Chapman Avenue, which is a major commercial thoroughfare connecting the Project Area with the civic center area of the City); (ii) increase the limits for tax increment financing and bonded indebtedness; (iii) add proposed public improvements in the area proposed to be added (it is not presently contemplated that the precise location of public improvements within the original Project Area would be further delineated by the Amendment); and (iv) designate land uses for the area proposed to be added by the Amendment. Pursuant to a resolution of the Planning Commission of the City of Orange adopted on October 21, 1985, the area proposed to be added includes approximately 457.5 acres.

Councilman Perez is a principal in an architectural firm (Jess Perez and Associates) which has in the past performed professional (architectural) services pursuant to contracts with Tishman with respect to the design of certain facilities situated in the original Project Area. Neither Councilman Perez nor his architectural firm own real property within the existing Project Area or the area proposed to be added.

For each of the past two years, Councilman Perez and his firm have received compensation from Tishman for such services in an amount greater than \$250 per year. Councilman Perez desires to know whether he may (i) participate in and vote on as a member of the Agency and the Council on the final decision of each body to approve the Amendment; and (ii) participate in and vote on matters pertaining to the consideration or processing of the Amendment prior to final consideration to approve or reject the Amendment.

In reaching its conclusions, the undersigned urges that the Commission consider the following:

(i) At the present time, the economic impact of the proposed Amendment upon the existing Project Area (and its landowners) is not known, and is believed to be somewhat speculative. While it is possible that the area proposed to be added, hereafter "Proposed Area," will at some point generate revenues in excess of expenditures made in that area (as distinguished from the original Project Area or other areas of the City), the Proposed Area is believed to be a blighted area which will require the expenditure of funds for public infrastructure improvements, lot combinations, and rehabilitation to stimulate economic activity;

(ii) The effect of the Amendment upon Tishman is remote as well as speculative (and thus cannot reasonably be deemed to be "material"). In view of the uncertainty as to what economic impact the proposed Amendment will have on the original Project Area, the effects upon individual landowners (such as Tishman or Metropolitan Life Insurance Company) are all the more uncertain. Given that uncertainty, it would be a harsh and inappropriate result to preclude the participation and voting by Councilman Perez with respect to all matters concerning the Amendment;

(iii) If and to the extent the Proposed Area yields tax revenues which are available to be applied toward public improvements of general benefit (which might be located within the original Project Area), such improvements would require specific authorization by the Agency at a later time. The possibility of a conflict and attendant disqualification would be more rationally and appropriately considered at such later time; more facts would then be known, a specific proposal would be under consideration, and the analysis would be less speculative;

(iv) If and to the extent the Proposed Area yields tax revenues which are applied toward public improvements (which might be located within the original Project Area), such improvements will likely, significantly benefit the public generally. As noted above, the Project Area includes substantial governmental facilities which are used by the public on a continuous basis. Moreover, in addition to benefitting the Project Area, it is entirely plausible that such infrastructure improvements as street widening and the provision of parking structures would benefit the community as a whole, including users of the governmental facilities, persons employed within the Project Area, and customers of retail facilities within the Project Area. Therefore, to the extent there is any benefit to Tishman attributable to the approval of the Amendment, the benefit is like that of the public generally, and should not result in disqualifying Councilman Perez from decisions to consider the Amendment;

(v) Absent approval of a (final) Amendment, there is not lasting significance to decisions made in the course of an Amendment adoption process (for example: establish boundaries of Proposed Area; create or expand membership of project area committee; direct preparation of an environmental impact report; consideration of whether the moderate-income housing outside the Proposed Area would benefit the Proposed Area). Thus, no matter the circumstances, a City Councilman and Agency member should not be disqualified from participating in and voting on all matters prior to approval of the Amendment; the efficacy of that position is a fortiori the case in circumstances such as those of Councilman Perez.

I respectfully request that the Executive Director of the Commission review and respond to the questions posed by this letter at the earliest time reasonably possible.

If you desire further information, please contact the undersigned.

Very truly yours,



Furman B. Roberts
City Attorney and General
Counsel for the Orange Redevelopment
Agency

FBR:ajr
cc: City Council
City Manager
City Clerk



California Fair Political Practices Commission

January 15, 1986

Furman B. Roberts
City Attorney
City of Orange
300 East Chapman Avenue
Orange, CA 92666

Re: Your Request for Advice
Our File No. A-86-024

Dear Mr. Roberts:

We have received your December 27, 1985 letter requesting written advice concerning a possible conflict of interest within your city (letter enclosed).

We will be happy to provide written advice; however, in order to respond to your letter we will need the additional information listed below. Regulation 2 Cal. Adm. Code Section 18329 (copy enclosed) requires that this information be provided before we can act on your request for advice.

(1) Your statement that you have been authorized by Councilman Perez to obtain this advice on his behalf and the home mailing address for Councilman Perez.

(2) A map showing the redevelopment project area, the area proposed to be added to the redevelopment project area, and the location of all Metropolitan Life Insurance Company real property holdings within the redevelopment project area and the area proposed to be added to the redevelopment project area.

(3) A copy of the redevelopment plan and a copy of the Planning Commission's report on the proposed amendment to the redevelopment plan.

(4) With respect to Metropolitan Life Insurance Company:

(a) A list of all their real property holdings located within the redevelopment project area and the area proposed to be added to the redevelopment project area;

Furman B. Roberts
January 15, 1986
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(b) The total current fair market value of the holdings listed in (a);

(c) A description of the character of each holding listed in (a), (i.e. is it developed, vacant or minimally developed; commercial, industrial, etc.); and

(d) Does Metropolitan Life Insurance Company have any plans to develop or further develop any of the holdings listed in (a)?

(5) With respect to Jess Perez and Associates:

(a) Does Mr. Perez own a 10 percent or greater interest in Jess Perez and Associates;

(b) Is Jess Perez and Associates qualified for public sale in this state pursuant to Corporations Code Section 25110; and

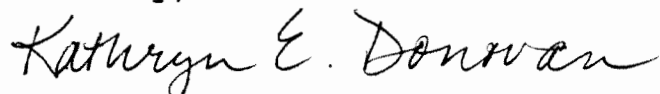
(c) Does Jess Perez and Associates have any current or future plans to contract for work in the redevelopment project area or in the area proposed to be added to the redevelopment project area?

Please provide this information by February 14, 1986, so that we can respond to your letter in a timely manner. If you cannot provide the information by that date, please contact this office. If we do not hear from you by February 14, 1986, we will have to assume that you have withdrawn your request for advice.

When we have received the additional information, your request for advice will be assigned to a member of our staff for review and response. Written advice is generally provided within 21 working days after all pertinent information has been received.

Please contact this office at (916) 322-5901 if you have any questions regarding this letter.

Sincerely,



Kathryn E. Donovan
Counsel
Legal Division

KED:JG:plh
Enclosure



California Fair Political Practices Commission

January 7, 1986

Furman B. Roberts
City Attorney and General Counsel
Orange Redevelopment Agency
P.O. Box 449
Orange, CA 92666

Re: 86-024

Dear Mr. Roberts:

Your letter requesting advice under the Political Reform Act has been received by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or unless more information is needed to answer your request, you should expect a response within 21 working days.

Very truly yours,

Kathryn E. Donovan

Kathryn E. Donovan
Counsel
Legal Division

KED:plh



California Fair Political Practices Commission

May 13, 1986

Furman Roberts
City Attorney
Orange Civic Center
300 East Chapman Avenue
Orange, CA 92666

Re: 86-161

Dear Mr. Roberts:

Your letter requesting advice under the Political Reform Act has been received on May 12, 1986 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or unless more information is needed to answer your request, you should expect a response within 21 working days.

Very truly yours,

Kathryn E. Donovan
Counsel
Legal Division

KED:plh